

## **Chapter 8.12 Permits**

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It is unlawful for any person to operate or maintain a commercial holding facility or any similar establishment, except a licensed veterinary hospital or clinic, unless such person first obtains a regulatory permit from the city, in addition to all other required licenses. All applications for permits to operate such establishments shall be submitted, together with the required permit fee, on a printed form provided by the city. Before the permit is issued, approval must be granted by the health department, the appropriate zoning authority, and the director.

### **8.12.020 Regulatory authority of division.**

The director shall have the authority to promulgate regulations for the issuance of permits and shall include requirements for humane care of all animals and for compliance with the provisions of this ordinance and other applicable laws. Such regulations may be amended from time to time as deemed desirable for public health and welfare and for the protection of animals. Regulations promulgated under this delegation of authority shall not extend the power of the director or the division beyond that reasonably necessary to carry out the requirements of this title.

### **8.12.030 Procedures.**

A. All applications for permits to operate a commercial animal establishment or animal shelter shall be submitted to the director on a form provided by the director.

B. Upon submission of an application, the director will verify with the health department, appropriate zoning authority, and appropriate business licensing division that the applicant is in compliance with applicable rules, regulations, ordinances and laws.

C. Applications must be accompanied by the fee in accordance with the attached fee schedule. The attached fee schedule may be modified from time to time as deemed necessary by the director and upon approval of

the city council by resolution. The current fee schedule as set forth in the attached fee schedule shall be available from the director.

D. Each permit issued under this chapter shall expire as outlined in section 8.12.170.

E. Permits issued pursuant to this chapter are nontransferable.

F. A permit issued under this chapter shall be prominently displayed in the business office of the commercial animal establishment or animal shelter.

G. Late applications for the permits required by this chapter shall be subject to the late fee set forth in the attached fee schedule.

#### **8.12.40 Requirements for catteries and kennels.**

In addition to obtaining the permit required by this chapter, all catteries and kennels within the city shall comply with all zoning requirements and shall:

A. Be operated in such a manner as not to constitute a nuisance;

B. Provide an isolation area for boarded animals which are sick or diseased, sufficiently removed so as not to endanger the health of other animals;

C. Retain for a period of 1 year the name, address and telephone number of the owner and license number of each dog or cat boarded;

D. Retain for a period of 3 years the name and address of each person selling, trading or giving any animal to the kennel or cattery;

E. Keep all boarded animals caged or under control of the owner or operator of the kennel or cattery;

F. Care for all animals in the kennel or cattery, whether or not owned by the kennel or cattery, shall comply with all the requirements of this title for the general care of animals;

G. Comply with all applicable federal, state and local laws and all regulations respecting kennels and catteries which are

adopted by the city and in effect from time to time; and

H. Supply the purchaser, residing in the licensing authority of this title, of any dog, cat or ferret with an application for animal license, the form of which is prescribed by the city.

#### **8.12.050 Requirements for pet shops.**

In addition to obtaining the permit required by this chapter, all pet shops within the city shall comply with all zoning requirements and shall:

A. Be operated in such a manner as not to constitute a nuisance;

B. Provide an isolation area for animals which are sick or diseased, sufficiently removed so as not to endanger the health of other animals;

C. Keep all animals caged or under the control of the owner or operator of the pet store;

D. With respect to all animals in the pet shop, complies with all provisions of this title providing for the general care of animals;

E. Not sell animals which are unweaned or so young or weak that their sale poses a serious risk of death or inadequate development to them;

F. Comply with all applicable federal, state and local laws and all regulations respecting pet shops that are adopted by the city and in effect from time to time;

G. Supply any purchaser, residing within the city, of any dog, cat or ferret with an application for animal license, the form of which is prescribed by the city; and

H. Provide the purchaser of an animal with written instructions as to the proper care and control of that species.

#### **8.12.055 Requirements for animal grooming parlor.**

In addition to obtaining the permit required by this chapter, all grooming parlors within the city shall comply with all zoning

requirements and shall:

A. Be operated in such a manner as not to constitute a nuisance;

B. Provide an isolation area for animals which are sick or diseased, sufficiently removed so as not to endanger the health of other animals;

C. Keep all animals caged or under the control of the owner or operator of the grooming parlor;

D. With respect to all animals in the grooming parlor, complies with all provisions of this title providing for the general care of animals;

E. Comply with all applicable federal, state and local laws and all regulations respecting grooming parlors that are adopted by the city and in effect from time to time; and

F. Supply applications for animal licenses, in the form of which is prescribed by the city.

G. It is recommended to verify and document current status of rabies vaccinations on all animals.

#### **8.12.060 Requirements for stables.**

In addition to obtaining the permit required by this chapter, all stables within the city shall comply with all zoning requirements and shall:

A. Be operated in such a manner as not to constitute a nuisance;

B. Provide an isolation area for animals which are sick or diseased, sufficiently removed so as not to endanger the health of other animals;

C. Keep all animals confined or under the control of the owner or operator of the stable;

D. Care for all animals in the stable, shall comply with all the requirements of this title for the general care of animals; and

E. Comply with all applicable federal, state and local laws, and all regulations respecting stables that are adopted by the city and in effect from time to time.

#### **8.12.070 Requirements for animal exhibitions.**

A. It shall be unlawful for any person to own, operate, sponsor or conduct an animal exhibition within the city without first obtaining a mass gathering and, if required, a temporary business license permit issued by city.

B. No animal exhibition shall occur within the city in which any animal is exhibited, paraded or allowed to participate in a contest:

1. Under conditions which cause physical injury to such animal;

2. Under conditions that place spectators at risk of being harmed; or

3. Unless all applicable federal, state and local laws and regulations, and standards adopted by reputable, nationally-recognized associations organized for the operation of such exhibitions and acceptable to the city are complied with by the operator of the exhibition.

C. A person owning, operating or sponsoring an animal exhibition within the city without first obtaining the permit therefore required by this chapter shall be guilty of a Class B misdemeanor. Each day of violation of this section shall be a separate offense. The city may also seek to obtain an injunction against an animal exhibition through a court with jurisdiction over the matter.

D. The application for an animal exhibition permit required by this section shall:

1. Describe the type of exhibition or contest and the kind and number of animals to be on exhibition or involved in the contest and list the sites and dates of the event(s); and

2. Contain such other information as may be required under regulations established by the director; and include a sworn statement by the applicant that the provisions of this title

pertaining to animal exhibitions will be complied with at all times.

E. No permit required by this section shall be issued until the applicant completes the application form, pays the applicable fees as set forth in the attached fee schedule to this title, and receives the written approval of the director of the provisions made for the safety, well-being and comfort of the animals involved.

F. Animal exhibition permits issued pursuant to this section shall be effective only for the period specified in the permit, not to exceed thirty (30) days.

G. A permit issued pursuant to this section shall not be transferable.

H. A permit issued pursuant to this section shall be displayed prominently at the site of the animal exhibition.

I. The city may waive the permit fee for an animal exhibition that is sponsored by a bonafide nonprofit organization, a governmental entity or a school if the purpose is a city public purpose or a charitable purpose.

J. Animal exhibitions permitted under this section shall provide immediate access to animal control officers, health department agents, and/or Utah state officials, for the purpose of compliance inspections.

#### **8.12.080 Requirements for guard dogs.**

A. It shall be unlawful for any person to own a guard dog without first obtaining a guard dog permit as provided hereafter. It shall be unlawful for any person to hire the use of a guard dog that has not been issued a guard dog permit.

B. A permit required by this section shall be obtained from the city. The application shall set forth the type of dog, the site(s) where said dog shall be used, the hours of use of said dog, and any other information the director deems appropriate.

C. Permits are not transferable from one owner to another or from one site to

another.

D. On the premises where a guard dog is used, conspicuous warning signs shall be posted at each door or gate that give access to the guard dog, and shall contain the following wording: "Warning: A guard dog is guarding this property. Entry herein may cause said dog to attack your person and cause significant injury, even death. To reach the handler for said dog, call (enter telephone number)." The telephone number contained in the warning required by this section must provide a 24-hour per day access to the guard dog's owner or handler.

E. A guard dog shall not be allowed to become a nuisance.

F. A guard dog shall, in addition to licensing, be micro-chipped and the microchip number shall be registered with the city. The license shall be attached to a 1-inch wide red or orange collar with the word "Danger" written or embroidered in black lettering  $\frac{3}{4}$  inch in height. The collar must be on the dog at all times.

G. Any person violating any provision of this section shall be guilty of a Class B misdemeanor. Each day a guard dog is deployed for use by any person for the detection of intruders and/or protection of premises, in violation of any provision of this section, shall be deemed a separate offense.

#### **8.12.090 Fancier's permit—**

##### **Authorized when.**

A. Where permitted by the zoning ordinances, owners of purebred dogs and cats may obtain a permit to keep more than two dogs or cats in a residential area, provided:

1. Such pets are individually licensed;
2. Such pets are registered with a national registry, such as, but not limited to the AKC, UKC or Field Dog;
3. Complies with all requirements of zoning, the health department and the director;
4. Appeal is granted by the health department and the director;

5. Adequate areas for shelter and confinement are provided; and

6. All other provisions of this title are complied with, and no pet or premises is deemed to be a nuisance.

B. The holder of a permit issued under this section may keep one litter intact until the animals reach five months of age; one animal from the litter may be retained until it reaches twelve months of age. At no time may the holder of a permit retain more animals than is indicated on the permit.

#### **8.12.100 Hobby permit.**

Where permitted by the zoning ordinances, owners of dogs, cats and ferrets may obtain a permit to keep more than two dogs, cats or ferrets in a residential area, provided:

- A. Such pets are individually licensed;
- B. Such pets are rendered sterile;
- C. Compliance with zoning requirements;
- D. Approval is granted by the health department and the director;
- E. Adequate areas for confinement and shelter are provided; and
- F. Other provisions of this title are complied with, and no pet or premises is deemed to be a nuisance.

#### **8.12.110 Permit for foster animals.**

Where permitted by the zoning ordinances, owners of dogs and cats may obtain a permit to keep more than two dogs or cats in a residential area, provided:

- A. Such pets are the property of a local public animal shelter or a Section 501(c)(3), Internal Revenue Code, animal welfare organization;
- B. Such pets are awaiting adoption;
- C. Compliance with zoning requirements;
- D. Approval is granted by the health department and the director;
- E. Adequate areas for confinement and

shelter are provided; and

F. Other provisions of this title are complied with, and no pet or premises is deemed to be a nuisance.

#### **8.12.120 Exotic animal permit.**

It is unlawful for any person to own or keep an exotic animal without a permit. Unless prohibited by zoning or other ordinances or laws, any person, over the age of 18 years of age, may obtain an exotic animal permit upon:

- A. Demonstrating sufficient knowledge of the species to provide adequate care;
- B. Presenting proof of adequate caging appropriate for the species;
- C. Presenting proof that the animal poses no threat to the health and safety of the community in the event that the animal should escape. The director may consult with a review board comprising federal, state and local public health authorities in considering a request for an exotic animal permit; and
- D. Presenting proof of required, if any, state or federal permits.

For the purpose of this section, to demonstrate “sufficient knowledge” of a species, a person must show that he has adequate knowledge of a species to provide for its basic needs to maintain the animal’s health and welfare. The director may consider the person’s experience, education, apprenticeship or by examination administered by the director when determining that a person has sufficient knowledge of a species.

#### **8.12.130 Dangerous animal permit.**

It is unlawful for any person to own or keep a dangerous animal without a permit. Unless prohibited by zoning or other ordinances or laws, any person, over the age of 18 years of age, may obtain a dangerous animal permit upon complying with applicable zoning requirements and:

- A. Demonstrating sufficient knowledge of the species so as to be an expert in the

care and control of the species;

B. Presenting proof of adequate primary caging appropriate for the species and a sufficient secondary system of confinement so as to prevent unauthorized access to the animal and to prevent the animal's escape;

C. Presenting proof that adequate measures have been taken to prevent the animal from becoming a threat to the health and safety of the community;

D. Presenting a plan of action in the event of the animal's escape. The director may consult with a review board comprising federal, state and local public health authorities in considering a request for a dangerous animal permit;

E. Presenting proof of required, if any, state or federal permits; and

F. Presenting proof of liability insurance in an amount of at least One Hundred Thousand Dollars (\$100,000.00), which policy shall name the city as an additional insured and shall not be subject to cancellation or other material modifications without at least 30 days' prior written notice to the city.

For the purpose of this section, to demonstrate "sufficient knowledge" of a species, a person must show that he has specialized knowledge of a species to provide for its basic needs to maintain the animal's health, welfare and confinement. The director may consider the person's experience, education, apprenticeship or by examination administered by the director when determining that a person has sufficient knowledge of a species.

#### **8.12.140 Domestic fowl and livestock.**

A. It is unlawful for any person to keep within the city any chickens, turkeys, ducks, geese, pigeons or other similar domestic fowl, or more than two rabbits, without first making application for and obtaining a permit from the city to do so. The fee for such a permit shall be as specified in chart 8.16.040.

B. It is unlawful for any person to keep within the city any sheep, goats, cows, calves, pigs, horses, jacks, jennies, or other similar animals, without first making application for and obtaining a permit from the city to do so. The fee for such a permit shall be as specified in chart 8.16.040. Such permits shall not be issued for any area of the city except areas zoned RR-1-21 or RR-1-43 under title 19 of this code.

C. In order to protect public health and welfare, the Salt Lake Valley Health Department is empowered to make rules and regulations governing the keeping of domestic fowl and livestock; provided that in no case shall such a permit be issued by the division or the health department to keep any mink nor, except as specified in subsection (D) of this section, to keep more than the following number of domestic fowl or livestock: Twenty-five (25) chickens, or twenty-five (25) ducks, or twenty-five (25) turkeys, or twenty-five (25) pigeons, or twenty-five (25) of any other similar domestic fowl; two (2) sheep, or two (2) goats, or one (1) cow, or one (1) calf, or one (1) pig, or two (2) horses, or two (2) jacks, or two (2) jennies, or ten (10) rabbits, or two (2) of any other similar animals.

D. Any person who desires to keep for commercial or hobbyist purposes in excess of the number of any of the domestic fowl or various animals mentioned in subsection (C) of this section and not otherwise prohibited by this code shall make application to the city for a license to do so. The annual license fee shall be as specified in chart 8.16.040. Each license application approved by the city shall then be forwarded to the health department for its approval and for issuance of any required commercial permit. Such approval and permit (if required) shall be limited to applicants who are approved by the city and who also fully comply with any special rules and regulations of the health department governing the keeping of such additional domestic fowl or livestock for commercial or hobbyist

purposes. Subject to the foregoing, there shall be no limit on the number of pigeons that may be kept for commercial or hobbyist purposes.

E. Notwithstanding anything in this section to the contrary, the number of large animals (horses, cattle, jacks, jennies, sheep, pigs or similar animals) that may be kept on a lot in the city is limited by the size of such lot, and under no circumstances may more than two large animals (of whatever species) be kept per half acre of lot size.

F. The keeping of domestic fowl or livestock that was legally conforming as of 14 January 2005 may be continued as provided in chapter 19.88 of this code and applicable law, notwithstanding that such keeping otherwise would violate this code.

#### **8.12.150 Exemptions.**

Research facilities where bona fide medical or related research is being conducted, or other animal establishments operated by state or local government, or which are licensed by federal law, are excluded from the permit requirements of sections 8.12.040 through 8.12.060 of this title.

#### **8.12.160 Permits—Display requirements.**

A valid permit shall be posted in a conspicuous place in any establishment for which said permit is required, and such permit shall be considered as appurtenant to the premises and not transferable to another location. The permittee shall notify the director within thirty days of any change in his establishment or operation, which may affect the status of his permit. In the event of a change in ownership of the establishment, the permittee shall notify the director immediately. Permits shall not be transferable from one owner to another.

#### **8.12.170 Permit fees—Expiration—Renewal.**

A permit issued pursuant to this chapter

shall expire one year after it is issued by the director and shall be renewable upon acceptance by the director of a new application. Renewal applications shall not be available until thirty days prior to the expiration date of the current permit. A permit may only be issued after the appropriate fee has been paid. Application must be accompanied by the fee established in the permit and in accordance with the attached fee schedule.

A. The permit and fee schedule may be modified from time to time as deemed appropriate by the director and upon resolution by the city council. The then current permit fee schedule shall apply to all permit applications. A copy of the then-current fee schedule shall be available from the director.

B. Permits are not transferable from one owner to another, from one site to another or from one animal to another.

#### **8.12.180 Establishments—Rules and regulations.**

A. From time to time, the director may, upon resolution by the city council, adopt rules and regulations governing the operation of kennels, catteries, animal grooming parlors, pet shops, riding stables or other animal-related establishments.

B. Such rules and regulations may provide for:

1. The type of structures, buildings, pens, cages, runways or yards required for the animals sought to be kept, harbored or confined on such premises;

2. The manner in which food, water, and sanitation facilities will be provided to such animals;

3. Measures relating to the health and care of such animals, the control of odors, noise, and the protection of persons or property on adjacent premises; and

4. Such other matters as the city shall deem necessary.

C. Such rules and regulations shall, upon publication and following adoption by the city, have the effect of law, and violation of such rules and regulations shall be deemed a violation of this title, subject to the penalties provided for in section 1.01.080 of this code, and grounds for revocation of a permit issued by the city. Copies of the rules and regulations, when adopted, shall be filed for public inspection in the office of the city recorder and of the director.

#### **8.12.190 Establishments–Inspections and reports.**

All establishments required to have permits under this title shall be subject to periodic inspections, and the inspector shall make a report of such inspection, which shall be given to the establishment and will be filed with the director. When the inspector finds a violation, the inspection form shall:

- A. Describe the specific violation(s) found;
- B. Establish a specific and reasonable period of time for correction of the violation(s) found;
- C. State that failure to comply in the specified period of time with any notice issued in accordance with the provisions of this section may result in immediate suspension of the permit and/or issuance of a citation; and
- D. State that an opportunity for a director conference upon any grievance the owner or operator may have concerning the inspection findings and corrections ordered by the animal control officer may be held according to the provisions of section 8.40.050 of this title.

#### **8.12.200 Unlawful activities–Notice requirements.**

If an inspection of kennels, catteries, animal grooming parlors, pet shops, riding stables, similar establishments, or the premises of the holder of a permit reveals a violation of this title, the inspector shall notify the permit

holder or operator of such violation as provided in section 8.12.090 and/or issue a citation.

#### **8.12.210 Permits–Suspension or revocation–Grounds.**

A permit may be suspended or revoked or a permit application rejected on any one or more of the following grounds:

- A. Falsification of facts in a permit application;
- B. Material change in the conditions upon which the permit was granted;
- C. Violation of any provisions of this title or any other law or regulation governing the permittee's establishment, including, but not limited to, noise and/or building and zoning ordinances; or
- D. Conviction on a charge of cruelty to animals.

#### **8.12.220 Permits–Suspension or revocation–Procedure.**

A. Any permit granted under this title may be suspended or revoked by the division for violations of any of the requirements of this title. A permittee aggrieved by the suspension or revocation of his permit may file a written petition with the director within 20 days of the director's decision for review of said grievance. Upon consideration of said grievance and upon good cause showing, the director may, at his sole discretion, uphold or modify the suspension or revocation, or reinstate the permit. A permittee aggrieved by a decision of the director may file a written petition with the mayor or a person appointed by the mayor with the advice and consent of the city council within 20 days of the director's decision for review of said grievance. Upon consideration of said petition and upon good cause shown, the mayor or a person appointed by the mayor as provided herein may uphold or modify the suspension or revocation or reinstate the permit.

- B. A new permit shall not be issued to



any person whose prior permit was suspended or revoked by the division until the applicant has satisfied the director that he has the means and the will to comply with the requirements of this title in the future. An application for another permit must comply with the requirements for an application for an initial permit, including application fee.

#### **8.12.230 Emergency suspension of permits.**

Notwithstanding any other provisions of this title, when the inspecting officer finds unsanitary or other conditions in the operation of kennels, catteries, animal grooming parlors, riding stables, pet shops, or any similar establishments, or premises of the holder of a permit obtained under this title, which in his judgment constitute an immediate and substantial hazard to public health or the health and safety of any animal, he may order the immediate seizure of any animals whose health and safety are at risk and order the owner or operator of the establishment to immediately cease operations. It shall be unlawful for any person to whom such an order is given to fail to obey the same. Any animals seized under this section shall be impounded or otherwise cared for as the director deems necessary. A person whose permit has been suspended by such action may file a written petition with the director within 20 days of said decision for review of said suspension. Upon consideration of said petition and upon good cause showing, the director may, at his sole discretion, uphold or modify the emergency suspension or reinstate the permit. Persons who are aggrieved by a decision of the director regarding such permit may file a written petition with the mayor or a person appointed by the mayor with the advice and consent of the city council within 20 days of the director's decision for review of said grievance. Upon consideration of said petition and upon good cause shown, the mayor or a person appointed by the mayor as provided

herein may uphold or modify the suspension or revocation, or reinstate the permit.

#### **8.12.240 Notice of suspension of permits --Service procedures.**

Notice shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by certified mail to the last known address of the permit holder. A copy of such notice shall be filed with the director.